

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INTELLISOFT, LTD.,

Plaintiff,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant.

No. C 12-1462 PJH

ORDER VACATING HEARING DATE

Plaintiff Intellisoft, Ltd. ("Intellisoft") filed this action on March 22, 2012. On June 4, 2012, defendant International Business Machines Corporation filed a motion to dismiss the complaint for failure to state a claim, noticed for hearing on July 11, 2012. Under Civil Local Rule 7-3, any opposition to the motion was due on June 18, 2012. As of June 22, 2012, no opposition or statement of non-opposition had been filed by Intellisoft.

On June 22, 2012, Intellisoft did file a "notice of intent to file amended complaint." While it is true that under Federal Rule of Civil Procedure 15(a)(1), a party may file an amended complaint once as of right, and that under Rule 15(a)(1)(B), the amended complaint may be filed up to 21 days after service of a motion under Rule 12(b), the court admonishes Intellisoft that, as the party opposing the motion to dismiss, it was still required to comply with the Local Rules of this Court, which require that an opposition or statement of non-opposition to a motion be filed 14 days after the date the motion is filed. By failing to

1 comply with the rules, Intellisoft simply makes more work for the court and for opposing
2 counsel.

3 The July 11, 2012 hearing date is VACATED. If an amended complaint is filed on
4 June 25, 2012, defendant can withdraw its motion.

5
6 **IT IS SO ORDERED.**

7 Dated: June 22, 2012



8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PHYLLIS J. HAMILTON
United States District Judge